

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

COREY BROWN,

Plaintiff,

ORDER

v.

20-cv-046-wmc

CHOICE PRODUCTS, LLC,

Defendant.

This civil case is set for trial commencing December 6, 2021. The court held a Final Pretrial Conference (“FPTC”) on November 23, 2021, during which it made various rulings and scheduled a follow-up conferences as set forth below.

IT IS ORDERED that:

- 1) For reasons explained on the record, plaintiff Corey P. Brown’s motion for reconsideration (dkt. #71) is GRANTED, and defendant’s motion in limine no. 1 (dkt. #61) is DENIED to the extent that plaintiff may pursue a compensatory damages award for emotional distress. Plaintiff, however, may not suggest a specific amount that the jury should award for his emotional distress unless defendant’s counsel opens the door by introducing a specific amount. This will not preclude either side’s counsel from suggesting a substantial award or a small award or no award for compensatory damages.
- 2) Defendant Choice Products USA, LLC’s motion for virtual witness testimony (dkt. #76) is GRANTED IN PART AND DENIED IN PART. The motion is granted as to Richard McHugh and denied as to Trent Heaviland, although the latter is denied without prejudice to defendant renewing it if the parties cannot reach an agreement as to an appropriate amount of compensation for him having to miss work to appear at trial.
- 3) The court rejects plaintiff’s proposed change to the closing instructions. Specifically, the proposed instruction appears to have deliberately and incorrectly removed the central word “because” in the statutory language. Regardless, it is needlessly wordy and likely to confuse the jury as to the actual elements plaintiff must prove to prevail on his claim.
- 4) The court will continue its FPTC on December 1, 2021, at 2:00 p.m., via Zoom videoconference.

- 5) The court will hold a hearing at 8:30 a.m. on December 6, 2021, to discuss any remaining issues before voir dire commences at 9:00 a.m.

Entered this 23rd day of November, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge